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*JFW*  
*DAK*

Attorney Docket No. 5649-1135

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Beom-jun Jin

Confirmation No.: 8976

Application No.: 10/689,981

Filed: October 20, 2003

For: INTEGRATED CIRCUIT DEVICES INCLUDING LOW DIELECTRIC SIDE  
WALL SPACERS AND METHODS OF FORMING SAME

Date: June 23, 2004

Office of Patent Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO ACCORD THE PROPER FILING DATE**

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of October 20, 2003 rather than October 21, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of October 20, 2003 being the correct filing date for the application which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt marked by the United States Postal Service ("USPS") as a "date-in" or deposit date with the USPS 12:00 p.m. on October 20, 2003; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of October 21, 2003 instead of the Express Mail date of October 20, 2003.

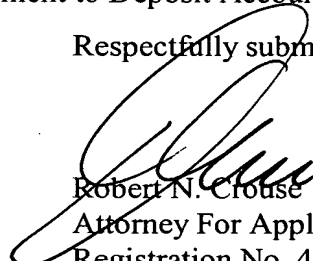
This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of October 20, 2003 as the filing date pursuant to 37 CFR § 1.10.

In re: Beom-jun Jin  
Application No.: 10/689,981  
Page 2



On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

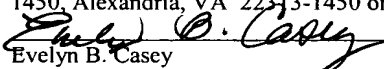
Respectfully submitted,

  
Robert N. Crouse  
Attorney For Applicant  
Registration No. 44,635

**USPTO Customer No. 20792**  
Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, North Carolina 27627  
Telephone: 919/854-1400  
Facsimile: 919/854-1401

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 23, 2004.

  
Evelyn B. Casey



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

ATTY DOCKET NO.: 5649-1135

DATE: ~~October 20, 2003~~

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER  
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☒ a patent application  
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: \_\_\_\_\_; filed \_\_\_\_\_, the disclosure of which is incorporated herein by reference in its entirety.  
☐ and claims the benefit of Provisional Application No. \_\_\_\_\_; filed \_\_\_\_\_.

Inventor(s) or Application Identifier:

**Beom-jun Jin** – Seoul, Republic of Korea

Entitled: **INTEGRATED CIRCUIT DEVICES INCLUDING LOW DIELECTRIC SIDE WALL SPACERS AND METHODS OF FORMING SAME**

Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401  
Customer No. 20792

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 18 pages of Specification (including 27 claims)
3. ☒ 6 sheets of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
  - a. ☒ newly executed (*original or copy*)
  - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
  - c. ☐ DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

7. ☐ Microfiche Computer Program (*Appendix*)
8. ☒ Assignment papers (*cover sheet(s) and document(s)*)
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.
10. ☒ Information Disclosure Statement, PTO-1449, and 3 references cited
11. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☒ Certified Copy of Korean Application No. 10-2002-0073053; Filed: November 22, 2002
14. ☐ Sequence Listing/ Sequence Listing Diskette
  - a. ☐ computer readable copy
  - b. ☐ paper copy
  - c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate      Fee	Large Entity Rate      Fee
BASIC FEE			\$385.00	\$ 770.00
TOTAL CLAIMS	27 - 20 =	7	x 09 = \$	x 18 = \$126
INDEP CLAIMS	6 - 3 =	3	x 43 = \$	x 86 = \$258
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 145 = \$	+ 290 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$1154

- ☐ A check in the amount of \$            to cover the filing fee is enclosed.
- ☒ A check in the amount of \$1154.00 is enclosed to cover the filing fee and a check in the amount of \$40.00 is enclosed to cover the Assignment Recordation fee.
- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$
- ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
- a. ☒ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
  - b. ☒ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

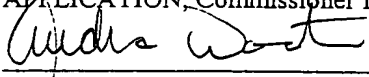
  
Robert N. Crouse  
Registration No. 44,635

#### CERTIFICATE OF EXPRESS MAILING

Express Mail Label No.: EV 318417872 US

Date of Deposit: October 20, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
Audra Wooten



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Federal Agency Acct. No. or Postal Service Acct. No.

**TO: (PLEASE PRINT)**

MS Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PHONE: [ ]

**FROM: (PLEASE PRINT)**

MYERS BIGEL SIDLEY & SAJOWEC  
PO BOX 37428  
RALEIGH  
NC 27627-7428

5649-1135 RNC/662

PHONE: 919 354 1400

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Commissioner for Patents  
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BNC/662

Date: 10-20-03  
Doc. No. 5649-1135  
Serial No. TBA  
Inventor: Jin

Sir: Kindly acknowledge receipt of the accompanying items listed below  
by placing your receiving stamp hereon and return mailing:

<input checked="" type="checkbox"/> Application Transmittal and:	<input checked="" type="checkbox"/> Check \$ <u>1154</u>
<input checked="" type="checkbox"/> Specification pages <u>18</u>	<input checked="" type="checkbox"/> IDS & PTO-1449 & <u>3</u> refs. cited
<input checked="" type="checkbox"/> No. of Claims <u>27</u>	<input type="checkbox"/> Amendment & Amend. Transmittal
<input checked="" type="checkbox"/> Declaration & POA	<input type="checkbox"/> Preliminary Amendment
<input checked="" type="checkbox"/> Assignment and Fee - <u>\$40</u>	<input type="checkbox"/> Issue Fee
<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Brief
<input checked="" type="checkbox"/> Formal Drawings/ <u>6</u> sheets	<input type="checkbox"/> Appeal
<input type="checkbox"/> Associate Power of Attorney	<input type="checkbox"/> Submittal of Priority Doc.
<input checked="" type="checkbox"/> Exp. Mail <input type="checkbox"/> 1st Class Mail	

Other: 2 Korean Abstracts w/ Korean Patent Application

16834 U.S. PTO  
10/689981



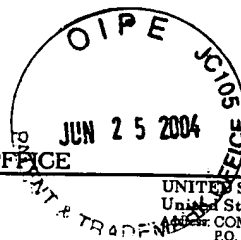
102103

Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
Attorneys for Applicant

RNC



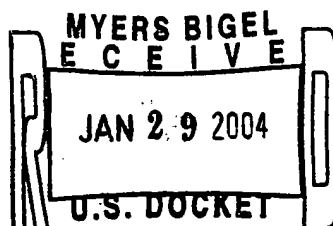
## UNITED STATES PATENT AND TRADEMARK OFFICE



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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/689,981	10/21/2003	2815	1154	5649-1135	6	27	6

20792  
 MYERS BIGEL SIBLEY & SAJOVEC  
 PO BOX 37428  
 RALEIGH, NC 27627



CONFIRMATION NO. 8976

## FILING RECEIPT



\*OC00000011762034\*

Date Mailed: 01/26/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Beom-jun Jin, Seoul, KOREA, REPUBLIC OF;

## Domestic Priority data as claimed by applicant

## Foreign Applications

REPUBLIC OF KOREA 02-73053 11/22/2002

If Required, Foreign Filing License Granted: 01/24/2004

Projected Publication Date: 05/27/2004

Non-Publication Request: No

Early Publication Request: No

## Title

Integrated circuit devices including low dielectric side wall spacers and methods of forming same

## Preliminary Class

257

01-29-04 A09:44 IN